

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT AnchorageIn the Matter of the Application
for Post Conviction Relief Of:Russell Shettlers
(Name of Applicant)

FOR COURT USE ONLY

CASE NO. 3AN 99-9762 CIAPPLICATION FOR POST CONVICTION
RELIEF FROM CONVICTION OR
SENTENCE (CRIMINAL RULE 35.1)

CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I, Russell Shettlers, hereby apply for relief under Criminal Rule 35.1.

PART A

(Please type or print neatly. Also, if possible, please attach a copy of your judgment of conviction.)

The conviction (sentence) from which I seek relief is as follows:

- Full original case number: 3AN-596-5069
Case name: SOA (plaintiff) Russell Shettlers (defendant)
- Court which imposed sentence: ☐ District Court ☒ Superior Court
Court Location: Anchorage, Alaska Name of Judge W. Fuld
- Date shown in clerk's certificate of distribution on the judgment: Dec. 2nd 1996
- Date of sentencing and terms of sentence: Dec. 2nd 1996, Count 1 - D.W.I.
3 yrs presumptive, Count 2 - Refusal, 3 yrs Presumptive
Count 3 - D.W.L.S. 365 days w/ 240 sus. Ran Consecutively
- Crime or crimes of which I was convicted: Count 1 - D.W.I., Count 2 - Refusal
Count 3 - D.W.L.S.

000016

6. I am now ☐ not in custody ☒ in custody at CCA at Arizona
7. Mailing address: CCA/CADC, P.O. Bx. 6200, Florence, Az. 85232
8. The finding of guilty was made after a plea of
☐ guilty ☒ not guilty ☐ nolo contendere
9. Finding was made by ☒ a jury ☐ a judge
10. Name and address of my lawyer: Darrel Gardner at office of Public Advocacy
and on Appeal Larry Cohen appointed through O.P.A.
☐ I was not represented by a lawyer.
11. Lawyer was ☐ employed by me ☒ appointed by the court
12. Did you appeal your conviction (or sentence)? Yes
13. If you answered "yes" to question No. 12 above, state the following:
- a. the name of each court to which you appealed:
Court of Appeals
- b. the result in each court to which you appealed and the date of such result:
Don't know the date, Conviction and ~~Sentence~~
Sentence Affirmed.
- c. Did a lawyer represent you on the appeal(s)? Yes
State the name(s) and address(es) of your lawyer(s) on the appeal(s):
Larry Cohen appointed through O.P.A. and Darrell Gardner
Filed Notice of Appeal also of O.P.A.
Lawyer was: ☐ employed by you ☒ appointed by the court
14. Have you filed a previous application for post conviction relief in this case? No
15. Did you seek any other review of or relief from this conviction or sentence (for example, by filing a motion to modify or correct the sentence, or a petition for habeas corpus or coram nobis in this court or any other state or federal court)? Not Yet.

16. If you answered "yes" to No. 14 or No. 15, state the following:

a. each ground for relief which you previously presented:

b. the proceedings in which each ground was raised:

c. the results of each proceeding and the date of such results:

d. the name and address of lawyers(s), if any, who represented you in these proceedings (separately for each proceeding) _____

e. lawyer was ☐ employed by me ☐ appointed by the court

PART B

I believe I have grounds for relief from the conviction and sentence described in Part A.

1. My grounds for relief are as follows: (State which parts of Criminal Rule 35.1(a) you believe apply to your case.)

1. I recieved ineffective Assistance of Counsel at the Pretrial, trial, Sentencing, and Appellate stages of the proceedings.

2. the statutes I was convicted and sentenced under were applied in violation of ex-post-facto - ~~and~~ provisions of the United States & Alaska Constitutions.

3. I believe I may have other P.C.R. Claims, but wish to Consult w/ legal Counsel as to the merits of these Claims.

2. The facts which support each of the grounds set out above are: (List in the same order as set out in paragraph 1.)

I need the assistance of legal Counsel to properly present Supporting facts to the Court. I do not have adequate access to my case file due to my incarceration in Arizona.

3. I have personal knowledge of the following facts among those listed in paragraph 2: (False statements with regard to facts stated upon your personal knowledge are subject to the penalties for perjury.) _____

Need Assistance of Counsel. Do not wish to make statement of personal fact and knowledge based upon only my memory at this time.

4. What evidence, other than your own statements, do you have to prove the facts you stated in paragraph 2 above? (You must attach all affidavits, records or other evidence supporting your allegations or state why they are not attached.) _____

I believe there is plenty of Supporting facts documented in my Case file. I do not have adequate access to my legal materials and Need the Assistance of a Attorney to present it to the Courts.

PART C

(Fill out this section only if you claim that you are indigent. You must attach a sworn Financial Statement on form CR-206. Note: AS 18.85.100(c) limits the appointment of counsel in post conviction relief proceedings.)



I request that the filing fee be partially waived for this application. I am attaching:

1. a filled out CIV-670 PRISONER REQUEST FOR FILING FEE EXEMPTION,
2. a filled out CR-206 FINANCIAL STATEMENT,
3. a certified copy of my prisoner account statement for the past six months from the Department of Corrections (DOC), and
4. a cover memo from the Department of Corrections listing average monthly deposits and average balance in my account.



I request that the court appoint an attorney to represent me in this proceeding because I cannot afford to pay for one. I understand that:

1. I must provide to the court all financial information requested by the court so the court can decide if I qualify for an appointed attorney. This information may be made available to the Attorney General after the conclusion of this proceeding. If I give false information, it may be used to prosecute me for perjury.
2. If my financial situation changes and I do not report this to the court, the law requires my appointed attorney to do so.
3. If my application for post conviction relief is denied, the court will enter a judgment against me which will require me to pay part of the cost of my appointed attorney.* In most cases the court will use the schedule shown below to determine the amount I will be required to pay. However, in unusual circumstances, the court may enter judgment against me for more or less than the scheduled amount. After the judgment is entered, I may request the court to reduce the amount of the judgment if payment would cause manifest hardship to me or my family.

Schedule of Costs For Court-Appointed Counsel

Offense of Which Applicant Was Convicted			
Misdemeanor	Class B or C Felony	Class A or Unclassified Felony	Murder in the 1st or 2nd Degree
\$250	\$250	\$500	\$750

* Pamphlet CR-204 explaining the benefits and costs of court-appointed counsel is available from the court.

GENERAL WAIVER

If I have requested a court-appointed attorney, I authorize anyone to release to the Alaska Court System all information concerning my assets, liabilities, account balances and any income source I have had for the past three years. This includes but is not limited to all current and past employers, banks, credit and depository institutions, accountants, brokers and credit bureaus.

VERIFICATION

I, Russell L. Shetters, say on oath or affirm that I have read all parts of the foregoing document and believe all statements made in the document are true. I understand that false statements in this application may subject me to prosecution for perjury.

7-29-99

Date

Russell Shetters

Signature of Applicant

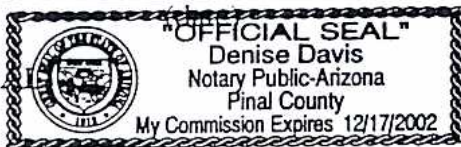
CCA/CADC P.O. Box 6200

Address

Florence Az. 99502

Subscribed and sworn to or affirmed before me at CCA, CADC Florence Az Alaska
on 7-29-99

(SE)

Denise Davis

Clerk of Court, Notary Public, or other person authorized to administer oaths.

My commission expires: 12/17/2002

I certify that on 9-16-99,
a copy of this application was sent to the District
Attorney at Anchorage, Alaska.

Clerk: CEExpedited Consideration

Under Criminal Rule 35.1(i), you may move for expedited consideration of this application.
Your motion must comply with Civil Rule 77(g).